

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36465-2020

Date of decision : 12.11.2020

Felly Ram and another

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. K.L. Saini, Advocate,
for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

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SUDIP AHLUWALIA, J. (ORAL)

The present petition has been filed by the petitioners under Section 439 of the Cr.P.C., seeking regular bail in case FIR No. 160 dated 12.10.2020 under Sections 420, 120-B of IPC and Section 61-1-14 of the Punjab Excise Act, 1914, registered at Police Station Partap Nagar, District Yamunanagar.

2. The petitioner has remained in detention for a period of one month now since 12.10.2020.

3. From the material on record, it transpires that allegation against the petitioner is that he had been illegally selling liquor without any license, which undoubtedly happens to be an offence under the Excise Act. There is,

however, no explanation as to how the separate offence under Section 420 of the IPC has been added in the case, since there is nothing on record to indicate that the petitioner had practiced any kind of cheating upon any person for the purpose of extracting any valuable security. Even if, he was selling liquor without a license, he was at least supplying the contraband for consideration to the purchaser. So, the element of cheating does not appear to be involved at this stage.

4. Considering the period of detention undergone by the petitioner till now, without commenting any further on the merits of the present case as a whole, prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to the appropriate terms and conditions, to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned, with a further direction to the petitioner to report at the concerned Police Station once a week till completion of investigation.

5. Disposed off.

**(SUDIP AHLUWALIA)
JUDGE**

November 12, 2020
ndj

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No